

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ST. JOHN MACOMB-OAKLAND
HOSPITAL and MENDELSON
ORTHOPEDICS, P.C.,

Plaintiffs,

Case No. 11-14599
HON. GEORGE CARAM STEEH

vs.

ALLSTATE INSURANCE COMPANY,

Defendant.

_____ /

ORDER DISMISSING ORDER TO SHOW CAUSE [#3]

On November 2, 2011, this court entered an order to show cause why this case should not be remanded to state court as it appeared that defendant did not comply with the statutory requirement contained in 28 U.S.C. § 1446(b) by removing this matter within thirty days of service. Defendant indicated in the notice of removal that it had been served with the summons and a copy of the complaint on or about August 18, 2011, which would have made removal untimely as defendant removed the instant matter from the Wayne County Circuit Court on October 19, 2011.

Defendant filed a response to this court's show cause order on November 4, 2011 arguing that removal was timely because defendant mistakenly indicated that service of the summons and a copy of the complaint occurred on August 18, 2011. Defendant asserts

in the response that service of process actually occurred on September 13, 2011. Defendant attaches a copy of the service of process transmittal from the registered agent to verify same.

Accordingly,

This court's order to show cause [#3] is dismissed.

SO ORDERED.

Dated: January 11, 2012

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 11, 2012, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk